

Grand Juries (Ireland) Bill.

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[Bill 199.]

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Clause.

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SCHEDULES.

A

B I L L

TO

Amend the Law relating to Grand Juries and Presentment A.D. 1879.
 Sessions in Ireland.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same :

5 1. This Act shall extend to Ireland only, and may be cited as Ex�ct and
short title.
 "The Grand Jury Law Amendment (Ireland) Act, 1879."

2. This Act shall, except as is in this Act specially provided, Commencement of Act.
 commence and have effect from the *thirty-first day of March one thousand eight hundred and eighty.*

10 3. The Act of the session of Parliament held in the sixth and Interpreta-
seventh years of His Late Majesty King William the Fourth, tion.
 chapter one hundred and sixteen, intituled "An Act to consolidate
 " and amend the laws relating to the presentment of public money
 " by grand juries in Ireland," may be cited as "The Grand Jury
 15 (Ireland) Act, 1836"; and in this Act the expression "the
 principal Act" means the Grand Jury (Ireland) Act, 1836, as
 amended by any Act or Acts :

In this Act the term "barony" includes every division of a
 20 barony in which baronial presentment sessions shall have been ap-
 pointed to be held during the year preceding the passing of this
 Act, and every new barony constituted under the provisions of the
 principal Act or of this Act :

For the purposes of this Act, the counties of cities, counties of
 towns, and boroughs specified in the first schedule to this Act shall
 25 not be deemed to be counties, or to form parts of counties :

Each riding of the county of Tipperary shall for the like purposes
 be deemed to be a county.

4. From and after the commencement of this Act, the present- Constitution
ment sessions for every barony in each county shall consist of six
of baronial
presentment
sessions.
 [Bill 199.] A

A.D. 1879. nominated and of six elected members, subject to the provisions of this Act with respect to the variation of such numbers.

The nominated members shall be persons nominated by such justices of the peace acting for the county as are herein-after mentioned, and the elected members shall be persons elected in 5 each year by the elected guardians of the poor representing the several electoral divisions in such barony, in which county cess is levied for the purposes of the barony.

Where an electoral division is situate in more than one barony, it shall for the purposes of this Act, unless where the contrary is 10 expressed, be deemed to be situate in that barony which contains a greater part of the total value of such division than any other barony, according to the valuation in force for the time being under the Acts relating to the valuation of rateable property in Ireland.

*Choice of
nominated
members.*

5. For the purpose of selecting the nominated members to 15 attend at the several baronial presentment sessions in each county, one or more general meetings of all such of the justices of the county as are seized of or entitled to any estate for life or any greater estate in any lands situate in the county upon which county cess is assessed, or who are severally the heirs apparent of 20 persons having such property qualification as aforesaid, shall be convened by the lieutenant of the county, at the county court house, or some other suitable place, on some day before the twenty-fifth day of March in each year.

The lieutenant shall preside at every such meeting at which he 25 is present. In his absence the chairman shall be elected by the justices present. The clerk of the peace shall act as secretary at such meeting.

The justices at each such meeting shall, by resolution of a majority of the justices voting, nominate six persons to be the nominated members of the presentment sessions for each barony during the year commencing with the twenty-fifth day of March next after such meeting. 30

No person shall be eligible to be a nominated member of any baronial presentment sessions unless he is seized of or entitled to 35 an estate for life or any greater estate in lands situate in the barony upon which county cess is assessed for the purposes of the barony; or is the heir apparent of some person having such property qualification as aforesaid.

The voting shall be conducted in such manner as the justices 40 present shall determine.

*Choice of
elected
members.*

6. For the purpose of selecting the elected members to attend at the several baronial presentment sessions in each county, a general

meeting of the elected guardians of the poor representing the several electoral divisions wholly or partially situate in each barony shall be held on some day before the *twenty-fifth day of March* in the year one thousand eight hundred and eighty, to be fixed by the lieutenant of the county, and in every year subsequently on a day to be fixed by the County Board. The elected guardians present at such meeting shall by resolution of the majority of the guardians voting elect six persons to be the elected members of the baronial presentment sessions of the barony. The election for each barony shall be held in the place where the presentment sessions for the barony are held, and a chairman shall be elected by the guardians present at such meeting, who shall preside and take the poll.

A person shall not be qualified to be an elected member of a baronial presentment sessions unless he is an elected guardian, or a person qualified to be an elected guardian for some electoral division any part of which is locally situate within the barony.

The voting shall be conducted in such manner as the guardians present shall determine.

20. 7. From and after the commencement of this Act, no presentment sessions shall be held for any county under the authority and for the purposes of the principal Act in respect of business relating to the county at large; and in lieu thereof, and for the other purposes of this Act, there shall be established in every county a County Board, consisting of an equal number of nominated and of elected members, to be chosen in the manner herein-after prescribed.

8. In every county in which the number of baronies does not exceed eight, four members shall be returned for each barony, and in every other county two members shall be returned for each barony, to represent the barony at the County Board. Such members shall be chosen in equal proportions by the nominated and the elected members of the baronial presentment sessions of each barony.

9. In every barony, the nominated members and the elected members of the baronial presentment sessions shall, on the first occasion of their meeting at presentment sessions in such barony after the *twenty-fifth day of March* in each year, separately proceed to elect from amongst the members of such presentment sessions so many representatives as they may be respectively entitled to elect as members of the County Board, to represent such barony under the provisions of this Act. At such elections the chairman shall preside, and the nominated members and the elected members

Abolition of county at large sessions. Establishment of County Board.

General constitution of County Board.

Mode of election of members of County Board.

A.D. 1879. shall separately vote for one half the number of representatives entitled to be returned for the barony.

Additional
members of
County
Board in
certain
counties.

10. In every county in which there is any town or township, or any part of any town or township, liable to contribute to any expenses incurred for the purposes of the county at large, but not liable to be assessed to the county cess for the purposes of any barony, the justices of the county, at the same meeting at which they nominate the nominated members of the baronial presentment sessions, shall also nominate two persons, who are severally seized of or entitled to an estate for life, or some greater estate, in lands situate in such town or township, or who are severally the heirs apparent of persons having such property qualification, to be members of the County Board: and the Town Council or Town Commissioners of such town or township shall, at their first meeting after the first day of January in each year, proceed to elect two persons, being elected guardians or qualified to be elected guardians of some union in which the town or township or any part of it is situate, to be members of the County Board.

Term of
office.

11. The persons elected under the provisions of this Act in each year to be members of the County Board shall hold office for one year, to be computed from the twenty-fifth day of March. Until that day the persons in whose room they are elected shall continue in office.

The chairman presiding at every such election shall, according to the best of his judgment and ability, make a true return in writing to the secretary of the grand jury (in this Act styled "the county secretary") of such county of the persons elected at such election. The county secretary of every county shall enter in a register the names of the persons so returned to him as elected to serve on the County Board.

Any person going out of office shall be eligible for re-election for the ensuing or any subsequent year.

Functions of
County
Board.

12. At and after the first meeting in any county of the County Board of that county as constituted under this Act, all powers, rights, and duties at the time of the passing of this Act exercisable by or attaching to or which would but for this Act have been exercisable by or attach to the presentment sessions held under the authority and for the purposes of the principal Act in the county court-house in respect to business relating to the county at large, shall be transferred to and vested in such County Board: And further, there shall be transferred to and vested in such County Board all the powers, rights, and duties at the time of the

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passing of this Act exerciseable by or attaching to, or which would A.D. 1879, but for this Act have been exerciseable by or attach to, the grand jury of such county, in relation to the following purposes; (namely,.)

5 (1.) In relation to the making, maintaining, or repairing of all roads, bridges, footpaths, pipes, gulleys, piers, and quays, or deepening or embanking any river or lake, or lowering any hill or filling up any hollow, or making or maintaining any fence, railing, or wall, or erecting or repairing direction posts, milestones, mileposts, and depots for materials, or stopping up old roads; and generally, in relation to all works in connexion with roads, whether chargeable upon the county at large or upon any barony:

10 15 (2.) In relation to the provision and maintenance of asylums or other accommodation for pauper lunatics:

(3.) In relation to any county infirmary:

(4.) In relation to industrial and reformatory schools:

(5.) In relation to providing militia stowhouses:

20 (6.) In relation to inquests, coroner's fees, and allowances to witnesses:

(7.) In relation to the general valuation under the Valuation (Ireland) Amendment Act, 1874:

(8.) In relation to appointing, removing, and fixing the salaries of public analysts:

25 (9.) In relation to weights and measures:

(10.) In relation to appointing the times and places for the meetings of the baronial presentment sessions:

(11.) In relation to levying and assessing the county cess, whether upon any barony or upon the county at large.

The several provisions of the principal Act relative to the duties of the clerk of the Crown, and the treasurer, and the county surveyor, and the secretary of the grand jury in respect of the presentments of any grand jury and in respect to meetings and proceedings of presentment sessions for the county at large, shall apply to the presentments of the County Board made under this section and to the meetings and proceedings of the County Board.

If any question arises as to whether any business which at the time of the passing of this Act was within the jurisdiction of the 40 grand jury is or is not within the jurisdiction of the County Board or the Grand Jury of any county, such question shall be determined by the judge of assize. The judge may reserve any such question for the consideration of a Divisional Court, or may direct any such

A.D. 1879. — question to be argued before a Divisional Court, and any such court shall have power to hear and determine any such question so reserved or directed to be argued.

Transfer of
certain pro-
perty to
County
Board.

13. At and after the first meeting in any county of the County Board as constituted under this Act, all such property, real and personal, including all interests, easements, and rights in, to, and out of property, real and personal, and including things in action, as belongs to or is vested in, or would but for this Act have belonged to or been vested in, the grand jury of the county, or in any person in trust for any of the purposes with respect to which the powers, rights, and duties of the grand jury are by this Act transferred to the County Board, shall pass to and vest in the County Board, subject to all debts and liabilities affecting the same.

County
Board may
enforce pro-
visions of
35 & 40 Vict.
c. 75.

14. Every County Board shall have power to enforce the provisions of the Rivers Pollution Prevention Act, 1876 (subject to the restrictions in that Act contained), in relation to any stream being within or passing through or by any part of their county, and for that purpose they shall be deemed to be a sanitary authority within the meaning of that Act, and the county shall be deemed to be their district.

Any expenses incurred by a County Board in the execution of the provisions of the said Act shall be presented to be levied upon the county at large.

Traverses.

15. No presentment of any County Board whereby any liability dischargeable out of county cess is incurred shall be of any force or effect until stated by a judge of assize, but when so stated every such presentment shall have the same force and effect as a like presentment of the grand jury of the county would have had if this Act had not been passed. It shall be lawful for any person paying county cess for the county to traverse any such presentment, in the same manner and form (subject to rules of court) in which a like presentment of the grand jury of the county might have been traversed if this Act had not been passed. From and after the passing of this Act the judge of assize may, upon the application of any party interested, and upon such terms as the judge shall think fit, direct that any question of fact arising in any traverse of a presentment, whether made under the principal Act or this Act, shall be tried by a special jury, and such question shall thereupon be so tried by a special jury. The costs of every traverse shall be in the discretion of the judge; provided that although there shall be a decision against such traverse, yet if the judge shall be of opinion that there was reasonable and probable ground for the traverse,

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A.D. 1872.

he may direct that the costs of all or any of the parties shall be paid by the person acting as treasurer of the county from and out of the county money in his hands, and the County Board shall present the same without previous application to presentment 5 sessions. The practice and procedure of the courts in hearing such traverses, and as to notices and other proceedings preliminary thereto, and as to giving notice to the sheriff and to the parties interested of the intention to apply for a special jury, and as to the summoning and impanelling of the jury, shall be regulated by 10 rules of court to be made in the manner provided by the Supreme Court of Judicature (Ireland) Act, 1877.

The judge may reserve any question as to the legality of any presentment for the consideration of a Divisional Court, or may direct such question to be argued before any such court, and 15 any such court shall have power to hear and determine any such question so reserved or so directed to be argued.

16. At any time after the first meeting of the County Board of any county, as constituted under this Act, the Lord Lieutenant may, by order made by and with the advice and consent of the 20 Privy Council in Ireland, dissolve the board of governors of any asylum for the lunatic poor in that county, and by the same order shall fix and determine the number of governors to be thenceforth appointed for such asylum.

The board of governors of each such asylum shall be thenceforth 25 appointed in accordance with the following provisions :

In case only one county contributes to the expense of the lunatic 30 asylum, two thirds of the whole number of governors shall be annually appointed by the County Board of such county in such manner as the Lord Lieutenant, by the same or a like order, shall prescribe :

In case two or more counties, or a county and a county of a city, or town, or borough, contribute to the expense of the lunatic 35 asylum, two thirds of the whole number of governors shall be annually appointed by the County Boards of such counties, or by the County Boards of such counties in conjunction with the grand jury or town council of such county of a city, or town, or borough, in such manner and proportions, and subject to such directions, as the Lord Lieutenant, by the same or a like order, shall prescribe :

40 In all cases, one third of the whole number of governors shall be appointed by the Lord Lieutenant, by and with the advice and consent of the Privy Council, either before or after the appointment of the others :

Boards of
governors of
lunatic
asylums.

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— And every person so appointed by the Lord Lieutenant shall hold his office for three years, but shall be eligible to be re-appointed at the expiration of each such period. Every member of the board of governors shall be removable by the Lord Lieutenant: Of the members to be appointed whether by the Lord Lieutenant 5 or by any County Board, or grand jury, or town council, one half at least shall be justices of the peace:

Whenever any casual vacancy occurs in the office of any governor appointed by the Lord Lieutenant, it shall be filled by a person to be appointed by the Lord Lieutenant, by and with the advice 10 of the Privy Council. A casual vacancy in the office of any other governor shall be filled by a person to be appointed by such County Board or grand jury or town council as the Lord Lieutenant shall by such order as aforesaid from time to time prescribe. Every person appointed to fill a casual vacancy 15 shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue if such vacancy had not happened.

Orders made under this section may be revoked or varied from time to time by the Lord Lieutenant by and with the like advice 20 and consent.

County
Secretary.

17. From and after the passing of this Act, the secretary of each grand jury shall be styled "the County Secretary" of the county to which he may belong.

Every such secretary who shall be in office at the time of the 25 commencement of this Act shall hold his office by the same tenure and upon like terms and conditions and his salary shall be paid out of the like funds and in the same manner as if this Act had not been passed.

Whenever after the first establishment of the County Board of 30 any county a vacancy shall occur in the office of county secretary of the county, the appointment to the office shall be made, and the person so appointed shall be removable, by the County Board, and not by the grand jury; and the salary of every person so appointed shall be presented by the County Board and not by the grand jury. 35

Secretaries
to make out
statement of
salaries and
fees.

18. On or before the *first day of November* next after the passing of this Act, each county secretary shall make out and transmit to the Clerk of the Privy Council in Ireland a statement of all moneys received by him as such secretary for and in respect of salary, expenses, allowances, and legal and customary fees 40 during each of the five years immediately preceding the passing of this Act, and also a statement of the duties, obligations, and

A.D. 1879.

—

liabilities of his office as such secretary; and he shall make and sign a declaration at the foot of such statement, under the provisions of an Act passed in the session of Parliament of the fifth and sixth years of the reign of His late Majesty King William the Fourth, chapter sixty-two, for the abolition of unnecessary oaths, that the same has been fully and correctly prepared according to the best of his knowledge and belief.

19. At any time after the commencement of this Act the Lord Lieutenant, by and with the advice and consent of the Privy Council 10 in Ireland may, by order to be published in the Dublin Gazette, fix and determine the amount of the annual salary to be paid thereafter to the county secretary of each county.

The annual salary of each such secretary shall be fixed and determined on the average of the amount of moneys received by 15 way of payment by him in respect of salary, expenses, allowances, and legal and customary fees during the five years immediately preceding the making of such order, due regard being had to the nature and amount of his duties, obligations, and liabilities.

From and after the date of such order, so much of the principal 20 Act as limits the annual salaries of the secretaries of grand juries to the amounts mentioned in relation to the said secretaries in the schedule to the said Act annexed shall be and the same is hereby repealed.

Whenever a vacancy shall occur in the office of any secretary, 25 the County Board shall fix, and may thereafter at the end of the first and every subsequent period of five years vary, the amount of the salary of the secretary fixed by the Lord Lieutenant; and on every such occasion the salary of the secretary shall be fixed and determined on the average of the amount of moneys received 30 by way of payment by him in respect of salary, and of expenses, allowances, and legal and customary fees, so long as such fees shall continue to be payable, and afterwards on the average of his salary and of the amount received on account of stamps under this Act. Such average shall be taken on each occasion for the five years 35 immediately preceding.

The Lord Lieutenant, by and with the advice and consent of the Privy Council in Ireland, may from time to time by order fix and determine the fees to be paid in respect of forms and documents in respect of which legal or customary fees are payable at 40 the time of the passing of this Act to secretaries of grand juries:

[199.]

B

Lord Lieutenant to fix salaries of secretaries.

A.D. 1879. — Provided always, that the amount to be paid in lieu of any legal fee shall not exceed the amount now payable in respect of such fee, and the amount to be paid in respect of any customary fee shall not exceed one shilling and sixpence.

Allowances
and fees not
to be paid.

20. From and after a date to be fixed in the said order, it shall 5 not be lawful for any county secretary to take or receive any money in payment of any legal or customary fees of what nature and kind soever in relation to forms and documents, which before the passing of this Act have been received in money by such secretary in and by virtue of his office of such secretary, and such 10 fees shall thereupon cease to be payable in money, but shall be received by a stamp denoting the amount of the fee payable in respect of such forms or documents.

Stamps to be
affixed to
documents.

21. When any fee comprised in any such notice is payable in respect of a document, the stamp denoting the amount of fee shall 15 be affixed to such document; and when any such fee is payable otherwise than in respect of a document the stamp denoting the amount of fee shall be affixed to such document as by the said order may be prescribed to be used for such purpose.

Regulations
to be made
by Treasury.

22. All stamps to be used under this Act shall be adhesive. The 20 Commissioners of Her Majesty's Treasury may from time to time make such regulations as seem fit regarding—

The price to be paid for stamps under this Act by grand juries and county presentment sessions:

The application of such stamps to documents in use or required 25 to be used as aforesaid:

The cancellation of stamps.

The Commissioners of Inland Revenue shall furnish to the county secretary of each county in Ireland, at such price as may be fixed by the Commissioners of Her Majesty's Treasury, such 30 number of such stamps as such secretary may from time to time require, and shall upon each occasion of furnishing such stamps transmit a statement of the amount so furnished to the grand jury and the county presentment sessions of such county.

The County Board shall from time to time present in advance 35 such sums as may be estimated to be necessary to enable the county secretary to procure a sufficient supply of such stamps.

The county secretary of each county shall supply stamps to any person demanding the same on payment of the amounts denoted

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by such stamps; and such secretary shall pay the amounts so received by him, as soon as may be after such receipt, to the treasurer of such county, deducting from the same all moneys paid to the Inland Revenue Commissioners for the supply of such stamps, and the amount so paid shall be applied by the treasurer to the general purposes of such county in such manner as the County Board of such county shall from time to time direct.

23. Until the establishment in any county of a County Board, the grand jury of the county, and after such establishment, the county board may, at their discretion, with the consent of the Lord Lieutenant, grant to any county secretary in their service who shall become incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body, or of old age, upon his resigning or otherwise ceasing to hold his office, such annual allowance during his life as, having regard to the length of his service in such county, they shall think proper; and such allowance shall, after the grant of the same, be presented from time to time without previous application at presentment sessions, and shall be levied and raised in like manner in every respect as if the same were the salary of such person as county secretary, and as if he had continued in his office. In estimating the amount of such superannuation allowance, the grand jury or County Board shall proceed according to the principles laid down and subject to the limitations prescribed by the Superannuation Act, 1839: Provided that, if at the time of resigning his office such secretary was entitled to receive for his own use any moneys for expenses, allowances, or legal or customary fees, the grand jury or County Board may take such moneys into account estimating their amount on the average of five years immediately preceding the retirement of such secretary, as if the same were part of his salary. No county secretary shall be entitled to the grant of any such allowance on the ground of age who shall not have completed the full age of sixty years, and who shall not have served in such county as secretary for ten years at the least. No grant of such allowance by a grand jury shall be valid unless an application for the same shall have been made and approved of at the county at large sessions held immediately preceding the meeting of the grand jury who make the grant. An allowance granted to a county secretary under this Act shall be payable to or in trust for such secretary only, and shall not be assignable for nor chargeable with his debts or other liabilities.

Super-
annuation of
county
secretaries.

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Examination
for office of
county sur-
veyor.

24. So much of the second section of the Act to amend the law relating to the appointment of county surveyors in Ireland, passed in the session of Parliament held in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter one hundred and six, as provides that the examination by the Civil Service Commissioners into the qualifications of persons desirous to act as such surveyors, shall be held whenever a vacancy shall occur in any of such offices, shall be and the same is hereby amended in manner following; that is to say, such examinations shall be held by the Civil Service Commissioners whenever a vacancy shall occur in any of such offices, and at such other times as the Lord Lieutenant shall from time to time order.

Increase in
remuneration
of assistants
to county
surveyors.
24 & 25 Vict.
c. 63.

25. So much of the principal Act, and of the County Surveyors (Ireland) Act, 1861, as limits the amount of the salaries of assistants to county surveyors to eighty pounds per annum shall be and the same is hereby repealed, and each of such assistants in any county shall be paid such salary not exceeding *one hundred and twenty pounds* per annum as the County Board of such county shall direct, to be paid in such quarterly or other payments as such County Board shall order, and the same shall be presented by such County Board and not by the grand jury.

Amendment
of section
110 of
principal
Act.

26. The provisions of the one hundred and tenth section of the Grand Jury (Ireland) Act, 1836, with respect to the making of presentments for the salaries of judges criers shall be construed to authorise and require the grand jury at each assizes to make such presentments for the salaries of the criers of both the going judges of assize.

Collectors to
hold office
without
fresh bonds.

27. Whereas it is expedient to relieve the grand juries and the collectors from the inconvenience of having the appointment of such collectors renewed at every assizes; and to provide that such collectors may continue in office from assizes to assizes without any renewal of their appointment:

Therefore every person appointed either before or after the passing of this Act to be a high constable and collector may continue in office without any renewal of his appointment at each assizes until removed by the grand jury or by the County Board. And so much of the principal Act as requires that the appointment of high constables and collectors shall be made by the grand jury at each assizes shall be and is hereby repealed. After the passing of this Act, in lieu of the condition prescribed by the principal Act for the 40

hood to be given by each such collector, the condition of every such bond shall be that the collector shall duly collect and pay to the treasurer or to the banking company acting as treasurer of the county, so long as he shall continue collector, or till the grand jury shall otherwise determine, all such public money as he is or shall be required to collect.

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28. Whenever, after the commencement of this Act a vacancy shall occur in the office of high constable and collector for any such barony by reason of the death, resignation, or removal of any such high constable or collector, the grand jury of the county, or the justices of the peace of such county, shall not proceed to appoint another person to be high constable or collector. Upon the occurrence of any such vacancy, the county secretary shall send by post a notice thereof to every person who is a collector of poor rate for any electoral division any part of which is locally situate in such barony, requiring such collector to accept or refuse the office of collector of county cess for such portion of the barony as is next herein-after particularly mentioned.

Such of the said collectors of poor rate as shall consent thereto shall immediately thereupon severally be the collectors of county cess, in respect of so much of the district for which each such person is collector of poor rate as is situate within such barony. The poundage rate payable to every such collector for collecting the grand jury cess in such district shall be the same poundage as that paid to him for collecting the poor rate.

Thenceforth the offices of collector of poor rate and collector of county cess in such district shall be and remain united, and upon any vacancy therein one person shall be appointed thereto in the manner in which collectors of poor rate are now appointed.

30 In case any such collector of poor rate refuses or is unable to accept such office of collector of county cess, the county secretary shall summon a meeting of the baronial presentment sessions of the barony in which such vacancy exists, who shall proceed to appoint some other person to be temporary collector for such district for which there is no collector, upon such terms as to poundage or remuneration, not exceeding a charge of nine-pence in the pound, as they shall think fit. Whenever thereafter a vacancy shall occur in the office of collector of poor rate in such district, such temporary appointment of collector of county cess shall cease and determine, and one person shall be appointed to the united offices of collector of poor rate and collector of county

A.D. 1878. cess in the manner in which collectors of poor rate may be appointed under the Acts for the time being in force. Every person appointed to be collector or temporary collector of county cess under the provisions of this Act shall have, in respect to the district for which he is appointed, all the authority and powers, and shall 5 exercise and perform all the duties theretofore enjoyed, exercised, or performed by the high constable or collector acting for such district.

Every collector, before entering upon the duties of his office, instead of giving security in the manner prescribed by the principal 10 Act, shall give security for the due performance of his duties, in such manner and to such amount as the Local Government Board for Ireland shall prescribe.

Appointment of coroner by County Board. 29. Whenever after the establishment in any county of a County Board under this Act a vacancy occurs in the office of a coroner for 15 any district of that county, no writ shall issue under the authority of an Act of the session of Parliament held in the ninth and tenth years of the reign of Her present Majesty, chapter thirty-seven, for the election of another person as coroner to fill such vacancy, but a writ shall be directed to the County Board of the county for which 20 or within the limits of which such vacating coroner acted, requiring such County Board to proceed as soon as practicable to the appointment of a duly qualified person as coroner to fill such vacancy.

A writ for the purposes of this section shall be issued by the Lord Chancellor of Ireland on the petition of two or more members 25 of the County Board of the county for or for a district of which the coroner is to be appointed, and shall be in such form as the Lord Chancellor may from time to time determine.

On the receipt of such writ the County Board in general meeting shall proceed to appoint a duly qualified person as coroner, and 30 shall make a return to the writ, naming the person appointed coroner by them, within such time as may be directed by the writ, and if they fail to comply with the requisitions of such writ, it shall be lawful for the Lord Chancellor to appoint a coroner instead of the County Board.

A coroner appointed under this Act shall stand in the same position, and have the same powers and privileges, and be subject to the same liabilities, capacities, and incapacities as he would have had and been subject to if this Act had not been passed, and he had been elected instead of being appointed.

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After the passing of this Act, no person shall be elected or chosen to any office of coroner in Ireland, unless at the time of being so elected or chosen he, in addition to possessing such statutable qualification as is required at the time of the passing of this Act, is further qualified as follows; that is to say,

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(a.) Is a barrister-at-law; or

(b.) Is on the roll of solicitors in Dublin; or

(c.) Is duly qualified to practise medicine or surgery, and

registered as so qualified under the Medical Act of 1858, ^{21 & 22 Vict.} e. 90.

10 or any Act amending the same.

Supplemental Provisions.

30. The members of every baronial presentment sessions shall in the first year in which they are elected under the provisions of this Act enter on their office on the day of their election, and in 15 every subsequent year on the twenty-fifth day of March.

Miscellaneous provisions as to meetings and elections.

The place of meeting of any baronial presentment sessions may be either within or without the limits of the barony.

Any member of the County Board or of the presentment sessions of any barony may resign by notifying in writing his intention so 20 to do to the chairman of the board for the time being. If any nominated or elected member of any County Board or baronial presentment sessions dies, resigns, or is disqualified, or ceases to be a member from any other cause than that of going out of office by lapse of time, the remaining nominated or elected members, according as such vacancy occurs among the nominated or the elected members, may at their next meeting after the happening of such vacancy elect another person, having the qualification possessed by the person in whose case the vacancy has occurred, to be a member, and the person so elected shall continue in office only so long as the 30 person in whose place he was elected would have been entitled to continue in office.

The grand jury of each county may, at any assizes after the passing of this Act held before the first meeting of the County Board of such county, and afterwards the County Board may from 35 time to time make orders as to the time and place and mode of holding any election of baronial presentment sessions, and may make regulations as to the duties and expenses of any officers requisite for such election, and do or make regulations respecting all other necessary things preliminary or incidental to such election.

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— The Local Government Board for Ireland may, if they think fit, on the application of the County Board of any county from time to time vary the numbers appointed by this Act to be returned to serve at the presentment sessions of any barony, but so as to preserve equality between the number of the nominated members and the 5 number of the elected members. The Local Government Board may, if they think fit, direct a local inquiry to be held by an inspector of the Board into the propriety of acceding to any such application.

Casual vacancies.

31. A member dying between the time of his becoming a member 10 and the time of his entering his office, also a member ceasing to hold any such qualification as would enable him to be elected a member, shall be deemed to create a casual vacancy.

If any person shall be elected to serve on any County Board by both the nominated members and the elected members of any 15 baronial presentment sessions, he shall, within seven days after receiving notice thereof, signify, by writing under his hand, whether he chooses to sit as a representative of the nominated members or of the elected members, and thereupon a casual vacancy shall be deemed to have occurred among the representatives of the other of 20 such bodies.

If from any cause whatever an election of members for any baronial presentment sessions or county board does not take place on the day appointed for such election the retiring members shall, if willing to serve, continue in office during the ensuing year. In 25 every election under this Act, in case of an equality of votes for any candidate, the chairman, in addition to his vote or votes if any, shall have a second or casting vote.

Disqualification of members of board.

32. If any member of any County Board—

1. Holds any office or place of profit under the board; or, 30
2. Participates in the profits of any work done by order of the board; or,
3. Is concerned in or participates in the profit of any contract entered into by the board,

such person shall cease to be a member of the board, and his office 35 shall thereupon become vacant, subject to the exceptions following; (that is to say,)

1. A member of the board shall not vacate his office by reason of his being a shareholder in any company entering into any

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contract with or supplying any article by order of the board;

and

2. A member of the board shall not vacate his office by reason of his being interested in any sale or lease of any lands or any

5 loan of money to the board:

Nevertheless a member of the board shall not be entitled to vote in respect of any contract with or any supply of articles by order of the board when such contract is entered into with or articles supplied by any company in which he is a shareholder, or in respect

10 of any question connected therewith, or in respect of any such sale, lease, or loan as herein-before mentioned, and if he does so vote his vote shall not be counted, and he shall incur for each time when he so votes a penalty not exceeding *twenty pounds*, to be recovered in a summary manner.

15 33. (1.) The County Board shall be a body corporate by the name ^{Legal status of board.} of the County Board of the county to which it belongs, or by such other name as it may from time to time adopt in lieu thereof with the sanction of the Local Government Board. It shall have a perpetual succession and a common seal, with power to acquire and

20 hold lands for the purposes of its constitution, without any license in mortmain:

(2.) Any act or proceeding of the board or of a committee of the board, shall not be questioned on account of any vacancy or vacancies in their body:

25 (3.) A defect in the qualification or election of any person or persons acting as members or member of the board or of a committee of the board shall not be deemed to vitiate any proceedings of such board or committee in which he or they have taken part in cases where the majority of members parties to such proceedings

30 are duly entitled to act:

(4.) Any minute made of proceedings at meetings of the board or of committees of the board, if signed either at the meeting of the board or of the committee at which such proceedings took place, or at the next ensuing meeting of the board or of the committee,

35 by any person purporting to be the chairman of the board or of the committee, and also any extract from such minute of any proceedings of the board, certified by the proper officer to be a true extract, shall be receivable in evidence of such proceedings in all legal proceedings without further proof; and until

40 the contrary is proved, every meeting of the board or of any committee of the board where minutes have been so made of the proceedings shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified:

A.D. 1879. (5.) No member of the County Board, or of a committee thereof, by being party to, or executing in his capacity of member, any contract or other instrument on behalf of the board or committee, or otherwise exercising any of the powers given to the board or committee, shall be subject individually to any action, suit, trial, 5 prosecution, or other legal proceeding; and the board or committee may apply any moneys from time to time coming into their hands for the purpose of paying any costs of legal proceedings or damages they may incur in execution of the powers granted to them:

(6.) Any instrument which, if made by private persons, would 10 require to be under seal, shall be under the seal of the board and signed by the proper officer of the board. Any notice issued by or on behalf of the board shall be deemed to be duly executed if signed by the proper officer, but, subject as aforesaid, any appointment made by the board, or committee of the board, and any 15 contract, order, or other document made by or proceeding from the board, or committee of the board, shall be deemed to be duly executed, either if sealed with the seal of the board, or if signed by two or more members of the board or committee authorised to sign them by a resolution of the board or committee, and signed 20 by the proper officer; but it shall not be necessary in any legal proceeding to prove that the members signing any such order or precept were authorised to sign them, and such authority shall be presumed until the contrary is proved:

(7.) The proper officer of the board shall be any officer authorised 25 by the board to sign such documents as he is required to sign as aforesaid, and it shall not be necessary in any legal proceeding to prove his authority, and such authority shall be presumed until the contrary is proved.

Appeal to High Court of Justice in respect to invalid election.

34. It shall be the duty of Her Majesty's High Court of 30 Justice in Ireland, upon the application of any person who may be aggrieved by or complain of the election of any member of a County Board, or any proceeding, act, or matter touching the same (reasonable notice having been given by the adverse party to those affected thereby of such intended application) to 35 proceed forthwith and in a summary way to hear the affidavits, proofs, and allegations of the parties, or otherwise to inquire into the matter or cause of complaint, and either to confirm the election so complained of, or to order a new election, or to make such order and give such relief in the premises as right and justice may appear 40 to the court to require; but no such application as aforesaid shall be entertained by the court unless it is made within one month after the election has taken place in respect of which the complaint

is made; and no such election shall be declared invalid by reason of any defect in the title of the returning officer. A.D. 1879.

35. The county secretary shall enter in a register the names of the nominated and the elected members of the several baronial presentment sessions in the county. For the purpose of enabling the secretary of each county to keep such register, immediately after the holding of the election of poor law guardians in every year, the clerk of every union shall afford all such information as may be required with respect to each barony and part of a barony included within his union as to the elected members of the baronial presentment sessions. Register to be kept.

If the clerk to the guardians of any union shall make wilful default in complying with the provisions of this section, he shall be liable to a fine not exceeding *five pounds*, to be recovered in a summary manner at the suit of the County Board of the county in respect to which any such default shall have been made.

The county secretary shall publish, in such manner as he thinks best calculated to afford information, the day fixed for holding any election under this Act; and also the names of the persons nominated or elected to be members of baronial presentment sessions and of the County Board.

36. Where by this Act any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of such limited time the same shall be taken as exclusive of the day of such date or of the happening of such event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at the latest on the last day of such limited time according to such computation, unless such last day is a Sunday, or a day appointed for public fast, humiliation, or thanksgiving, or a bank holiday, in which case any act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified. Computation of time.

36. Where by this Act any act or proceeding is directed to be done or taken on a certain day, then if that day happens to be one of the days in this section specified, such act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified.

37. The County Board of any county may from time to time form a committee or committees, consisting of such number of Committees of County Board.

A.D. 1879.

their own members as they think fit, and may fill up any vacancy in any such committee arising from death, resignation, or any other cause, and may delegate to any such committee any powers, other than the powers of borrowing money and of making rates, conferred on them by this Act. The members of any committee may from time to time be increased or diminished by the board, with the qualification that a committee shall not in any case consist of less than five members.

The board shall in the case of each committee determine the quorum required to be present at the meetings of such committee. 10

The proceedings of a committee shall not be invalidated by any vacancy or vacancies amongst the members.

38. The regulations contained in the Second Schedule to this Act as to proceedings of County Boards, and to proceedings of committees of County Boards, shall be of the same force as if they were enacted in the body of this Act, and shall be deemed to be part of this Act.

39. Nothing in this Act shall prejudicially affect any securities granted before the passing of this Act on the credit of the county 20 cess of any county, or on the credit of any property by this Act transferred to a County Board; and all such securities, as well as all unsecured debts, liabilities, and obligations incurred by the grand jury or any presentment sessions of any county, in the exercise of any powers or in relation to any property transferred from them to the County Board under this Act, shall be discharged, paid, and 25 satisfied by the County Board.

40. All contracts, deeds, bonds, agreements, and other instruments entered into or made and subsisting at the time of the passing of this Act, and affecting any powers or property by this Act transferred to a County Board, shall be of as full force and effect 30 against or in favour of the County Board (as the case may be), and may be enforced, as fully and effectually as if, instead of the grand jury or any county officer of any county, the County Board had been a party thereto.

41. All Acts of Parliament relating to such of the powers, rights, 35 and duties exercisable by or attaching to county at large presentment sessions or grand juries, as are hereby transferred to and vested in any County Board, or wherein any clerk of the Crown, or clerk of the Crown and peace, or county surveyor, or his assistants, or county secretary or treasurer, or banking company acting as 40 treasurer, or high constable or collector, or any other person may be authorised or required to do any act or thing relative to the

Regulations
as to County
Board in
schedule.

Saving for
existing
securities
and dis-
charge of
debts.

Saving for
contracts,
etc.

Acts of Par-
liament to be
read with re-
ference to
the provi-
sions of this
Act.

A.D. 1870.

exercise by such county at large presentment sessions, or grand jury, of any of such powers, rights, or duties so transferred to and vested in such County Board, shall be read with reference to the County Board of each county as if such County Board were therein mentioned or referred to, instead of such presentment sessions, or grand jury.

42. Whenever the grand jury of any county shall lawfully present any moneys chargeable upon the county cess, after the establishment in such county of a County Board, the county secretary shall, at the next meeting of the County Board, lay a copy of such presentment before the County Board, who shall thereupon proceed to carry such presentment into effect, by assessing and levying the amount thereof in the manner presented by the grand jury.

15. If default is made by the County Board in carrying out such presentment, the judge of assize at any assizes shall have power to make an order directing any sum or sums which ought to have been so presented by the County Board to be levied and raised as if the same had been so presented, and such order shall have the force and effect of a presentment, and the person performing the duties of treasurer of the county shall insert in his warrant the sum mentioned, and the same shall be apportioned, raised, levied, and applied in like manner, to all intents and purposes, as if the same had been duly presented by such County Board.

25. 43. The provisions of this Act shall apply to the county of Dublin, subject to the modifications following :

The expression "the principal Act" shall mean the Act of the session of Parliament held in the seventh and eighth years of the reign of Her present Majesty, chapter one hundred and six, intituled "An Act to consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of Dublin," as the same is amended by any Act or Acts.

The term "grand jury" shall extend to and include the finance committee appointed by the grand jury.

35. The term "assizes" shall mean presenting term, and any matter prescribed by this Act to be done at any specified assizes may be done at any presenting term; and the term "judge of assize," wherever it is used in this Act with reference to powers or duties which at the time of the passing of this Act were vested in or dischargeable by the Queen's Bench Division of the High Court of Justice, shall mean the Queen's Bench Division of the High Court of Justice.

Modification
of Act in
relation to
county of
Dublin.

A.D. 1879.

Parts of
Acts in
Schedule III
repealed.

44. After the commencement of this Act there shall be repealed the several parts of the Acts specified in the Third Schedule to this Act annexed, to the extent in the said schedule mentioned: Provided always, that no repeal hereby enacted shall affect any order made or any act or thing duly done under or by virtue of any of the 5 sections hereby repealed.

S C H E D U L E S.

A.D. 1879.

SCHEDULE I.

	Belfast.	Galway town.
5	Coleraine.	Kilkenny city.
	Cork city.	Limerick city.
	Drogheda.	Waterford city.
	Dublin city.	

SCHEDULE II.

Proceedings of County Board.

10 (1.) The County Board of every county shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, as they think fit (including the quorum at meetings of the board), 15 subject to the following conditions:

(a.) The first meeting shall be held on such suitable day prior to the summer 20 recess next after the commencement of this Act as the county secretary may, by notice published in a local newspaper or newspapers in at least three consecutive weeks, previously appoint; one week's notice of such meeting shall be sent by the secretary to every person qualified to attend; and subsequent to such first meeting;

(b.) Ordinary meetings shall be held in each year at the times at which the 25 grand jury has customarily met; and

(c.) An extraordinary meeting may be summoned at any time on the requisition of three members of the board; and

(d.) Every question shall be decided by a majority of votes of the members present and voting on that question; and

(e.) The names of the members present at a meeting, and, upon a requisition 30 made by three or more members voting on that question, the names of the members voting on that question, shall be recorded; and

(f.) The quorum to be fixed by the board shall consist of not less than three members.

(2.) The board shall, at the first meeting, and afterwards from time to time at their first meeting after each annual appointment of members of the board, 35 appoint one of their members to be chairman, and one other of their members to be a vice-chairman for the year following such choice.

A.D. 1879. (3.) If any casual vacancy occur in the office of chairman or vice-chairman, the board shall, at their next meeting after the occurrence of such vacancy, choose some member of their number to fill such vacancy; and every such chairman or vice-chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he is so elected would have been entitled to continue if such vacancy had not happened.

(4.) If at any meeting the chairman is not present at the time appointed for holding the same, or within fifteen minutes after such time, the vice-chairman shall be the chairman of the meeting; and if neither the chairman nor vice-chairman be present, then the members present shall choose some one of their number to be a chairman of such meeting.

(5.) In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote.

(6.) All orders of the board for payment of money and all precepts issued by the board, and all contracts made by or on behalf of the board, except contracts required to be under seal, shall be deemed to be duly executed if signed by two or more members of the board authorised to sign them, by a resolution of the board, and countersigned by the county secretary or other officer of the board appointed to countersign such orders and precepts, but it shall not be necessary in any legal proceeding to prove that the members signing any such order, precept, or contract were authorised to sign it, and such authority shall be presumed until the contrary is proved.

(7.) The County Board may use for their meetings the County Court House, or any Quarter Sessions Court House, or other building used for county purposes.

25

Proceedings of Committees of County Board.

(1.) Every committee of a County Board shall, in the exercise of their powers, conform to any regulations that may be imposed on them by the County Board of which they are a committee.

(2.) A committee may elect a chairman of their meetings. If no such chairman is elected, or if he is not present at the time appointed for holding the same, or within fifteen minutes after such time, the members present shall choose one of their number to be chairman of such meeting.

(3.) A committee may meet and adjourn as they think proper. In case of an equal division of votes at any meeting of a committee the chairman shall have a second or casting vote.

SCHEDULE III.

Parts of Acts repealed by the foregoing Act:

6 & 7 Will. 4. c. 116. Sections seven, eight, nine, ten.

7 & 8 Vict. c. 106. Sections sixty-nine, seventy, seventy-one, seventy-two, seventy-three, ninety, ninety-one.

Grand Juries (Ireland).

2.

B I L L

To amend the Law relating to Grand Juries and Treatment Bureaux in Ireland.

*(Proposed and brought in by
Mr. Justice Condon and Mr. Attorney General
for Ireland.)*

Ordered, by The House of Commons, to be Printed,
on Wednesday 18th May 1879.

[Bill 100]

Ordered & so.